

FILED
JAMES BONINI
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

U.S. DISTRICT COURT
SOUTHERN DISTRICT OHIO
WEST DIV CINCINNATI

QUINTIN HAWKINS

Plaintiff

vs.

THOMAS STANTON, et al.

Defendants

Case No. C-1-01-783

Judge Herman Weber

AFFIDAVIT OF STEPHEN K. SHAW

STATE OF OHIO

COUNTY OF HAMILTON

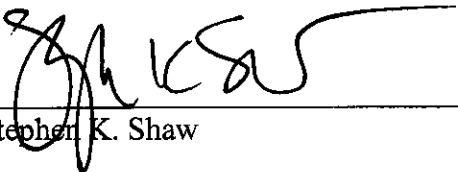
Now comes Stephen K. Shaw, who after being duly cautioned and sworn, states as follows:

1. I am an Assistant Hamilton County Prosecuting Attorney and have held this position since June 2002.
2. I am familiar with the depositions taken by Fanon Rucker of Hamilton County Sheriff's Department Employees.
3. Fanon Rucker conducted the deposition of Sean Donovan, Chief Deputy, Hamilton County Sheriff's department on August 7, 2002. He conducted the deposition of Lynette Hendricks-Darby, Records Specialist, Hamilton County Sheriff's Department on September 4, 2002. He conducted the deposition of Richard Ruzsa, Records Supervisor, Hamilton County Sheriff's Department on September 4, 2002.
4. Prior to a mid-December, 2003 telephone call from Mr. Rucker inquiring about the potential for settlement, I have had no contact with Mr. Rucker regarding this litigation since November 15, 2002 when he provided me a copy of his demand for settlement directed to Frank Prouty on behalf of the City of Cincinnati. Mr. Rucker has not provided Hamilton County or myself with any deposition notices since the depositions in the Fall of 2002. Mr. Rucker gave no indication that he intended to pursue any claims against the unnamed Hamilton County employees at any point in time, until mid-December 2003.
5. Although I attended the depositions of Officer Stanton and Officer Machenheimer, I did not participate in those depositions since I was attending for the sole purpose of hearing

their testimony in order to understand the issues in the litigation. Since Hamilton County and none of its employees or agencies or departments were defendants to the litigation, I did not participate in questioning the witnesses.

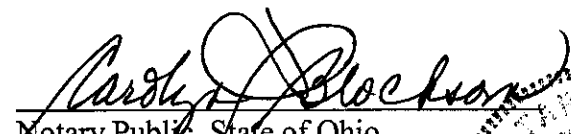
6. Until December 2003, I was not advised my Mr. Rucker that he intended to pursue claims against any of the John Doe Hamilton County defendants. He has never identified which employees of Hamilton County he believes to fit the description of the John Doe Defendants.
7. To the best of my knowledge and belief, no individual employee of the Hamilton County Sheriff's department has ever been advised or placed on notice of any potential claims against that employee, individually or in the employee's official capacity.

FURTHER AFFIANT SAYETH NAUGHT



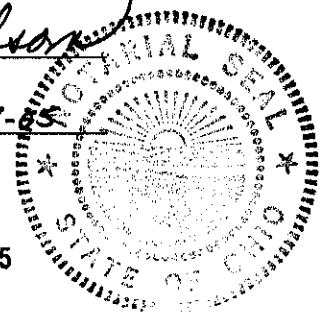
Stephen K. Shaw

On this 12th day of January, before me, a Notary Public, in and for the State of Ohio, appeared Stephen K. Shaw, who is personally known to me, and who, after being duly cautioned and sworn, affirmed that the foregoing statements are true and correct to the best of his knowledge and belief.



Notary Public, State of Ohio
My Commission Expires: 5-18-05

CAROLYN D. BLOCKSOM
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 05-18-05



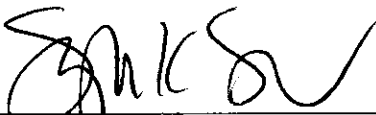
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Affidavit has been mailed to the following counsel of record on this 12th day of January, 2004, by ordinary U.S. Mail.

Michael Harmon
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Cincinnati, OH 45202

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Stephen K. Shaw, 0018652